

House Bill 881

By: Representatives Jacobs of the 80<sup>th</sup>, Chambers of the 81<sup>st</sup>, Millar of the 79<sup>th</sup>, and Levitas of the 82<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to clarify certain terms; to clarify the application of the referendum requirement for the issuance of bonds by certain authorities; to revise the limitations on the use of bond funds; to provide for certain approvals for the issuance of bonds; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by revising Code Section 36-75-11, relating to resolutions and referendums required prior to issuance of bonded indebtedness for new projects, as follows:

"36-75-11.

(a) On and after May 24, 2007, no public safety and judicial facilities authority created and activated by a single county pursuant to this chapter shall be authorized to issue ~~bonded indebtedness~~ bonds for new projects unless a resolution approving such projects passed by a majority vote of the governing authority of the county that created and activated such authority was ratified by the electors of the county in a referendum.

(b) ~~If The proceeds of bonds issued by a public safety and judicial facilities authority created and activated by a single county pursuant to this chapter desires to fund multiple projects in a bond issue, such projects and any interest received from such proceeds shall be ranked in the order they will be funded after approval by the governing authority and ratification by the electors under this Code section. Such order of funding shall be binding on the public safety and judicial facilities authority and such projects shall be funded in the order approved unless a different order is submitted to the governing authority for approval and electors for ratification used only for the projects set forth in the resolution approving the issuance of such bonds or for debt service on such bonds.~~

(c) Any authority other than the type of authority defined in paragraph (1) of Code Section 36-75-3:

(1) Which is authorized by general or local Act to operate and ~~incur bonded indebtedness~~ issue bonds in a single county that has activated or that activates a public safety and judicial facilities authority pursuant to this chapter; and

(2) Which constructs or operates buildings or facilities for use by any department, agency, division, or commission of any county that has activated or that activates a public safety and judicial facilities authority pursuant to this chapter

shall obtain approval by resolution and referendum as provided in this Code section prior to issuing bonds for any new buildings, ~~or facilities, or real property~~ or improvements to existing buildings, ~~or facilities, or real property~~.

(d) Subsections (a), (b), and (c) of this Code section shall apply only to the issuance of bonds the principal and interest of which will be repaid, directly or indirectly, in whole or in part, through funds of the county by agreement between the county and:

(1) A public safety and judicial facilities authority created and activated pursuant to this chapter; or

(2) Any authority other than the type of authority defined in paragraph (1) of Code Section 36-75-3 that meets the conditions set forth in paragraphs (1) and (2) of subsection (c) of this Code section."

## SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

## SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.